

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

BARRY PORTNOY,

Debtor.

Case No. 14-16081-mdc

Chapter 7

Honorable Magdeline D. Coleman

**STIPULATION AND ORDER REGARDING
HEARING ON MOTION OF BONNIE B. FINKEL, ESQ.,
CHAPTER 7 TRUSTEE FOR THE ESTATE OF DEMREX INDUSTRIAL
SERVICES, INC. FOR LEAVE TO FILE PROOF OF CLAIM AS TIMELY**

Bonnie B. Finkel, Esq., chapter 7 Trustee (the “Trustee”) of the bankruptcy estate of Demrex Industrial Services, Inc. (“Demrex”), the debtor Barry Portnoy (“Debtor,”) and Republic First Bank (“Republic Bank”) by and through their counsel, hereby stipulate and agree as follows:

WHEREAS the Trustee filed the Motion of Bonnie B. Finkel, Esq. Chapter 7 Trustee for the Estate of Demrex Industrial Services, Inc. for Leave to File Proof of Claim as Timely [Docket Nos. 362 and 363] (the “Motion,”) and

WHEREAS Debtor filed an objection to the Motion [Docket No. 376] (the “Debtor Objection,”) and

WHEREAS Republic Bank filed an objection to the Motion [Docket No. 377] (the “Republic Bank Objection,”) and

WHEREAS a hearing on the Motion is scheduled for November 1, 2016 at 10:30 a.m. (the “Hearing,”) and

WHEREAS the Trustee, the Debtor and Republic Bank (collectively, the “Parties”) agree and stipulate, subject to decision by this Court, that the Hearing on the Motion shall be bifurcated such that the only matter to be heard by the Court on November 1, 2016 (the “Hearing Date”)

shall be whether under 11 U.S.C. §105(a), Federal Rules of Bankruptcy Procedure 3002(c) and 9006(b), or otherwise, the time to file a proof of claim may be extended in a chapter 7 case on grounds other than those listed in Fed.R.Bankr.P. 3002(c)(1) through (6); and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. The Hearing on the Motion shall be bifurcated.
2. On the Hearing Date, the Court will only address the issue as to whether under 11 U.S.C. §105(a), the Federal Rules of Bankruptcy Procedure 3002(c) and 9006(b), or otherwise, the time to file a proof of claim may be extended in a chapter 7 case for grounds other than those listed in Fed.R.Bankr.P. 3002(c)(1) through (6).
3. If the Court determines that the time to file a proof of claim may be extended in a chapter 7 case for grounds other than those listed in Fed.R.Bankr.P. 3002(c)(1) through (6), a subsequent hearing date will be set to establish whether the Trustee's specific claims may be treated as filed timely in this case.

The undersigned hereby consent to the form and entry of this Stipulation.

*Counsel to the Chapter 7 Trustee
for the Estate of Demrex Industrial Services, Inc.*

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APPROVED AND SO ORDERED.

Date: _____

Honorable Magdeline D. Coleman, U.S.B.